

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

NATHANIEL CHOATE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:06CV79 HEA
)	
FIRST STUDENT, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion to Compel Arbitration, [Doc. No. 34]. Defendant opposes the motion. For the reasons set forth below, the Motion is denied.

Plaintiff filed the instant motion seeking the Court's intervention in requiring the parties to submit to arbitration. This motion is premature and unnecessary. In its Case Management Order, the Court ordered the parties to participate in an alternative dispute resolution process beginning May 15, 2007. The Court does not believe that this date should be accelerated nor that an immediate referral to arbitration would materially advance this litigation. As Defendant points out, the parties are currently conducting discovery. An immediate referral may hinder settlement negotiations because of the lack of discovery to date.

The Court also points out that it is incumbent on Plaintiff to respond to

written discovery propounded by Defendant; failure to comply with the Federal Rules of Civil Procedure may result in sanctions, including the possibility of dismissal of this action without prejudice for failure to prosecute.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Arbitration, [Doc. No. 34] is denied.

Dated this 21st day of March, 2007.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE